

REMARKS

In response to the Office Action dated July 1, 2003, Applicants respectfully requests reconsideration based on the above claim amendment and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-16 are pending in the application. Claims 1-10 were rejected and claims 11-16 were withdrawn from consideration in the Office Action. Claims 5 and 10 have been canceled without prejudice, claims 1 and 7 have been amended to include the elements of the cancelled claims 5 and 10, respectively, and claim 6 has been amended to change its dependency from claim 5 to claim 1, leaving claims 1-4 and 6-9 for consideration upon entry of the present amendment. No new matter is added by the amendments.

Claim Rejections under 35 U.S.C. 103:***Claims 1-2 and 5-6***

Claims 1-2 and 5-6 were rejected under 35 U.S.C. 103(a) as being unpatentable by Amin et al., EP Pub. Number EP 0,788,287 (hereinafter "Amin") for the reasons stated on pages 3-4 of the Office Action.

Since claim 5 has been cancelled without prejudice, the rejection of claim 5 is moot.

Claim 1 has been amended to recite a method to prevent fraudulent use of a wireless unit that is roaming in a visited system, wherein prior to receiving at the MSC-V the code and the identification information from the wireless unit, the method further comprises: receiving at the MSC-V a call attempt from the wireless unit; and causing the MSC-V in response to the call attempt to provide the wireless unit with an announcement.

An announcement, in claim 5, is provided to the wireless unit prior to receiving at the MSC-V the code and the identification information from the wireless unit, while a call, in Amin, is routed to a live or automatic operator after receiving the MIN/ESN pair and determining the wireless unit as a frequent roamer (col. 3, ll. 12-16 of Amin). Thus, Amin does not teach or suggest the element: wherein prior to receiving at the MSC-V the code and identification information from the wireless unit, receiving at the MSC-V a call

attempt from the wireless unit; and causing the MSC-V in response to the call attempt to provide the wireless unit with an announcement, as claimed in the amended claim 1.

The Examiner states that since the verification process is performed between the MSC-V and the HLR, it is clear that a verification element is physically located either at the MSC-V or the HLR and should be functionally connected to both the MSC-V and HLR in order to perform the verification process.

In claim 1, the MSC-V (24 in Fig. 1 of the Application) sends a FEAT REQ message to the verification element (10), and the verification element (10) searches the information of the wireless unit (20) in its database (32, 34) (page 11, lines 21-27 or page 12, lines 3-11 of the Application). The verification element (10) is not physically located in the home system (12) or the MSC-H (18) of the wireless system (20) but functionally connected to the visited system (14) and the home system (12) of the wireless system (10). Thus, the verification of the wireless unit (20) can be quickly obtained when compared to conventional methods (such as the method of Amin) for many wireless units, in which the verification is made to the home system of the wireless unit and the MSC-V spends time in tracking down the home system of the wireless unit to obtain the verification information.

On the contrary, the verification, in Amin, is performed between the MSC-V (51 in Fig. 1 of Amin) of the visiting network (104) and the HLR (66) of the wireless unit, as the conventional method. For example, when the MSC-V (51) sends a Registration invoke message to the HLR (66), the HLR (66) retrieves the profile for the wireless unit in its database. Thus, there is no verification element, in Amin, functionally connected to the visited system and the home system, as recited in claim 1.

Further, the Examiner refers the paragraph of col. 3, ll. 12-23 of Amin to reject the claim 1. In the paragraph of col. 3, ll. 12-23, Amin discloses routing a call to a live or automatic operator, for example, a voice response unit (65) in the home system of the wireless unit when the wireless unit is determined to be a frequent roamer. This does not say anything about the verification element functionally connected to the visited system and a home system of the wireless unit, as recited in claim 1.

Thus, the Examiner assumes that the verification element of claim 1 would be physically located either at the MSC-V or the HLR, in view of the disclosure of Amin

that the verification process is performed between MSC-V and HLR and the verification element is located either at the MSC-V or the HLR. This is a reliance on "obvious to try", and the Examiner cannot base a determination of obviousness on what the skilled person in the art might try or find obvious to try.

Accordingly, Amin neither teaches nor suggests the element: in response to the receipt of the code, causing the MSC-V to transmit a message including the identification information to a verification element functionally connected to the visited system and a home system of the wireless unit, as claimed in claim 1. Thus, Amin does not render obvious claim 1.

Claims 2 and 6 depend from claim 1, thus are believed to be allowable due to their dependency on claim 1.

Claims 3-4 and 7-10

Claims 3-4 and 7-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Amin in view of Marchand et al., PCT Pub. Number WO 97/26769 (hereinafter "Marchand") for the reasons stated on pages 5-6 of the Office Action.

Since claim 10 has been cancelled without prejudice, the rejection of claim 10 is moot.

Marchand discloses obtaining subscriber pre-authorization to temporarily access a cellular telecommunications system through a roaming area. In Marchand, the authentication process is performed in a home area of the subscriber. Thus, Marchand does not teach or suggest the element: in response to the receipt of the code, causing the MSC-V to transmit a message including the identification information to a verification element functionally connected to the visited system and a home system of the wireless unit, as claimed in claim 1.

Thus, Marchand does not cure the deficiency of Amin. Accordingly, the combination of Marchand and Amin does not render obvious claim 1.

Claims 3-4 depend from claim 1. It is thus believed that claims 3-4 are allowable due to their dependency on claim 1.

With regard to the amended claim 7, the combination of Amin and Marchand does not teach or suggest the elements: the network element operative in response to receipt of the identification information to provide a verification in a feature request

response to the MSC-V, the network element being functionally connected to the visited system and a home system of the wireless unit; and wherein after the registration of the wireless unit with the visited system and prior to the denial of originating communication service to the wireless unit, the MSC-V is operative to receive a call attempt from the wireless unit, and in response to the call attempt, is operative to provide an instruction to the wireless unit to dial the code and provide the identification information, as claimed in the amended claim 7, for at least the reasons given for claim 1.

Claims 8-9 depend from claim 7. Claims 8-9 are believed to be allowable due to their dependency on claim 7.

Conclusion

In view of the foregoing amendments and remarks, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0111
Customer No. 36192

OFFICIAL

Date: September 19, 2003

**RECEIVED
CENTRAL FAX CENTER
SEP 22 2003**

C